

UNITED STATES DISTRICT COURT

Southern

District of

New York

DAVID PARKINSON

**SUMMONS IN A CIVIL ACTION**

v.

VINCENT A. FARINA, DAVID A. CORREIA and  
MARCELINO PEREZ

CASE NUMBER:

**'07 CIV 5445**

**JUDGE CASTEL**

TO: (Name and address of Defendant)

Marcelino Perez  
12 Summer Set Dr. 12  
Montgomery, New York 12549-1251

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

*Marcos Quintero*

(By) DEPUTY CLERK

JUN 08 2007

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____            Date _____ <i>Signature of Server</i>    <i>Address of Server</i></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

Index No. 07-CIV-5445

DAVID PARKINSON

Plaintiff(s)

## AFFIDAVIT OF SERVICE

-against-

**VINCENT A. ARINA, DAVID A. CORREIA and MARCELINO PEREZ**

Defendant(s)

X

**STATE OF NEW YORK, COUNTY OF DUTCHESS: ss:****THOMAS J. HARDING, BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.**

That on JUNE 25, 2007 at 3:35 PM., at 122 RED SCHOOLHOUSE ROAD, FISHKILL, NY 12524

Deponent served the within SUMMONS &amp; COMPLAINT, CIVIL COVER SHEET &amp; INDIVIDUAL RULES OF JUDGES CASTEL &amp; GORENSTEINon MARCELINO PEREZ defendant therein named,

The index number and filing date of the action were endorsed upon the face of the papers so served therein.

- Individual** By delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein
- Corporation** By delivering thereat a true copy of each to Person, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof, and said individual to be authorized to accept service on behalf of recipient.
- Suitable Age Person** By delivering thereat a true copy of each to ESTHER DELGADO (RECORDS CO-ORDINATOR) a person of suitable age and discretion. Said premises is defendant's () actual place of business () dwelling place () usual place of abode, within the state.
- Affixing to Door** By affixing a true copy of each to the door of said premises, which is defendant's () actual place of business () dwelling place () usual place of abode, within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there: DATE:  DATE:  DATE:  DATE:   
TIME:  TIME:  TIME:
- Mailing** Mailed On: JUNE 26, 2007  
Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's actual place of business, at 122 Red Schoolhouse Rd. Fishkill, NY 12533 and deposited said envelope in an official depository under the exclusive care and custody of the U.S.Postal service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside, thereof by return address or Otherwise that the communication was from an attorney or concerned an action against the defendant
- Description** SEX: FEMALE COLOR OF SKIN: WHITE COLOR OF HAIR: BROWN AGE: 45-50  
HEIGHT: 5'2-5'4" WEIGHT: 120-140 LBS..  
Other identifying features:
- Military Service** I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The Source of my information and the grounds of my belief are the conversations and observations above narrated.  
Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

At the time of said service, deponent paid (tendered) in advance \$

Sworn to before me on this 27 day of JUNE, 2007D. L. H.

*Thomas J. Harding*  
Print name beneath signature  
**THOMAS J. HARDING**

BRIAN C ARICO
Notary Public - State of New York
NO. 01AR6085863
Qualified in Dutchess County
My Commission Expires <u>1/16/2011</u>